

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

TP 27,452-27,454

In re: 906 Gallatin Street, N.W.

Ward Four (4)

DAVID NUYEN
Housing Provider/Appellant

v.

SABINO DE GUZMAN, et. al.¹
Tenants/Appellees

ORDER REJECTING ATTEMPTED FILING

May 28, 2008

YOUNG, COMMISSIONER. This case is on appeal from the District of Columbia Department of Consumer and Regulatory Affairs (DCRA), Rental Accommodations and Conversion Division (RACD), to the Rental Housing Commission (Commission). The applicable provisions of the Rental Housing Act of 1985 (Act), D.C. OFFICIAL CODE §§ 42-3501.01-3509.07 (2001), the District of Columbia Administrative Procedure Act (DCAPA), D.C. OFFICIAL CODE §§ 2-501-510 (2001), and the District of Columbia Municipal Regulations (DCMR), 14 DCMR §§ 3800-4399 (2004) govern these proceedings.

I. THE PROCEDURES

The Commission issued a decision and order in this case on May 9, 2008. The Commission affirmed, in part, and remanded, in part the Rent Administrator's in De Guzman v. Nuyen, TP 27,452-27,454 (RACD June 14, 2004). The Commission

¹ The Rent Administrator, pursuant to 14 DCMR § 3909 (2004), consolidated for review the tenant's petition, TP 27,452, with TP 27,453 and TP 27,454.

remanded the decision for a recalculation of the amount of refund and interest on the refunds due the tenants from the housing provider. Nuyen v. De Guzman, TP 27,452-27,454 (RHC May 9, 2008).

On May 22, 2008, the housing provider, David Nuyen, filed by mail in the Commission a document titled, "Motion to Dismiss the Case." The envelope from the housing provider contained a single copy of the document. The document states in part, "Housing Provider/Respondent DAVID NUYEN respectfully moves the ... Rental Housing Commission to scrap the DECISION AND ORDER dated May 9, 2008 against him brought by Sabino DeGuzman, Sandra Reyes, and Claudia Payes." The housing provider further states that this matter is now in the Landlord-Tenant Branch of the Superior Court of the District of Columbia.

II. THE LAW

The housing provider failed to comply with the following Commission rules:

Unless otherwise required, all pleadings and other documents shall be filed in an original and four (4) identical copies.


14 DCMR § 3801.7 (2004). The document does not comply with 14 DCMR § 3801.7 (2004), which requires the filing of an original and four copies. The housing provider filed only one copy of the document. The Commission's rule, 14 DCMR § 3801.6 (2004) provides,

[t]he receipt of a pleading or other document which is not timely or which does not comply with the substantive requirements of this title shall not constitute a waiver of the requirements of this title; and any such pleading or document may be rejected by the Commission.

III. THE CONCLUSION

The Commission rejects the document filed on May 22, 2008, because it does not "comply with the substantive requirements of this title [3800]," as stated in 14 DCMR § 3801.6 (2004). The original document is returned to Mr. Nuyen with this order.

SO ORDERED.



RONALD A. YOUNG, CHAIRMAN

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing **ORDER REJECTING ATTEMPTED FILING** in TP 27,452-27,454 was mailed postage prepaid by priority mail, with delivery confirmation on this **28th day of May, 2008** to:

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